

Colorado Legislative Council Staff Fiscal Note
STATE and LOCAL
CONDITIONAL FISCAL IMPACT

Drafting Number: LLS 13-0726
Prime Sponsor(s): Sen. Marble
 Rep. Saine

Date: February 6, 2013
Bill Status: Senate SVMA
Fiscal Analyst: Kerry White (303-866-3469)

TITLE: CONCERNING THE INAPPLICABILITY OF CERTAIN FEDERAL FIREARMS LAWS WITHIN COLORADO.

Fiscal Impact Summary	FY 2013-2014	FY 2014-2015
State Revenue Cash Funds Fines Collection Cash Fund	Potential increase. See State Revenue section.	
State Expenditures	Potential increase - see State Expenditures section.	
FTE Position Change		
Effective Date: Upon signature of the Governor, or upon becoming law without his signature.		
Appropriation Summary for FY 2013-2014: None required.		
Local Government Impact: See Local Government Impact section.		

Summary of Legislation

The bill prohibits the state from enforcing any federal law or regulation that was effective on or after January 1, 2013, that restricts the possession of a firearm, firearm accessory, or ammunition (weapon) that is manufactured in the United States and has remained exclusively in Colorado. It declares unenforceable, within Colorado, any federal laws or regulations that aim to:

- ban or restrict ownership of a semi-automatic weapon or magazine;
- require registration of a weapon;
- restrict a Colorado resident from purchasing any weapon from a licensed dealer or private seller in another state; or
- restrict a resident from another state who visits Colorado from purchasing or possessing any weapon.

It is a class 1 misdemeanor for an employee or agent of the federal government to enforce, within Colorado, any federal laws and regulations prohibited by the bill if they relate to a weapon that was produced and has remained in Colorado.

Finally, the bill permits the Attorney General in the Department of Law to defend a Colorado resident who is prosecuted by the federal government for alleged violations of federal law if certain conditions are met and the weapon has remained in Colorado.

State Revenue

Conditional upon the federal government promulgating rules or laws that would become unenforceable in Colorado, this bill could increase state revenue if federal employees or agents are found to have violated state law. The fine penalty for a class 1 misdemeanor ranges from \$500 to \$5,000. Because courts have the discretion of incarceration or imposing a fine, and it is unknown whether the conditions where penalties may occur will exist, the amount of any increase in state revenue cannot be determined. Fine revenue is credited to the Fines Collection Cash Fund in the Judicial Department.

State Expenditures

Conditional upon the federal government promulgating rules or laws that would become unenforceable in Colorado under SB13-140, this bill could increase state expenditures for the state courts in the Judicial Department and Department of Law.

Judicial Department. To the extent that federal employees and agents attempt to enforce federal law in violation of SB13-140 and are prosecuted, workload could increase in state courts. This analysis assumes any increase in workload would be minimal and not require an increase in appropriations.

Department of Law. This bill authorizes, but does not require, the Attorney General to defend Colorado citizens accused of violating certain federal law or regulations. This analysis assumes that the bill could increase workload for the Department of Law, but that any decisions to become involved in such cases will be made based upon available resources and not require additional appropriations.

Technical note. Because federal law generally overrides state law, this bill could increase state expenditures should the federal government wish to challenge this law in whole or part. These costs have not been estimated.

Local Government Impact

Conditional upon the federal government promulgating rules or laws that would become unenforceable in Colorado, this bill could increase workload for units of local government to monitor federal policy making and ensure its policies carve out exceptions for those that are not enforceable in Colorado under this bill. This impact is anticipated to be minimal.

In addition, to the extent that any federal employees or agents are convicted of a class 1 misdemeanor and are sentenced to a period of incarceration, costs could increase for county jails. The penalty for a class 1 misdemeanor is 6 to 18 months imprisonment in a county jail, a fine of

\$500 to \$5,000, or both. Because the courts have the discretion of incarceration or imposing a fine, the impact at the local level cannot be determined. The cost to house an offender in county jails varies from \$45 to \$50 per day in smaller rural jails to \$62 to \$65 per day for larger Denver-metro area jails. It is assumed that the impact of this bill will be minimal.

Departments Contacted

Counties
Law

District Attorneys
Municipalities

Judicial
Public Safety